



General Assembly

February Session, 2002

***Amendment***

LCO No. 4091

\*HB0553904091HD0\*

Offered by:

REP. STRATTON, 17<sup>th</sup> Dist.

To: Subst. House Bill No. 5539

File No. 291

Cal. No. 176

(As Amended)

***"AN ACT CONCERNING MERCURY EDUCATION AND  
REDUCTION."***

1 Strike subsection (a) of section 4 and insert the following in lieu  
2 thereof:

3 "(a) On and after January 1, 2003, no person shall offer any mercury-  
4 added product for sale or distribute for promotional purposes in this  
5 state unless the manufacturer or its designated industrial trade group  
6 gives prior notification in writing to the commissioner or the regional,  
7 multi-state clearinghouse described in section 3 of this act as provided  
8 in this section. Such notification, in a form prescribed by the  
9 commissioner, shall at a minimum include (1) a brief description of the  
10 product or category of products to be offered for sale or distributed; (2)  
11 an identification of each product by its mercury content in one of the  
12 following ranges: Less than zero to five milligrams, greater than five  
13 milligrams to ten milligrams, greater than ten milligrams to fifty

14 milligrams, greater than fifty milligrams to one hundred milligrams,  
15 greater than one hundred milligrams to one thousand milligrams and  
16 greater than one thousand milligrams; (3) the actual total amount of  
17 mercury in each product; and (4) the name and address of the  
18 manufacturer and the position, address and phone number of a contact  
19 person at the manufacturer. The manufacturer or its designated  
20 industrial trade group shall revise the information in the notification  
21 whenever there is significant change in the information or when  
22 requested by the commissioner or the regional, multi-state  
23 clearinghouse."

24 Strike section 5 and insert the following in lieu thereof:

25 "Sec. 5. (NEW) (*Effective July 1, 2002*) (a) Notwithstanding the  
26 provisions of section 6 of this act, on and after July 1, 2003, no person  
27 shall offer for sale or distribute for promotional purposes in the state  
28 any mercury-added novelty. A manufacturer that produces or sells  
29 mercury-added novelties shall notify retailers that sell mercury-added  
30 novelties about such product ban and inform such retailers of how to  
31 dispose of the remaining inventory in accordance with title 22a of the  
32 general statutes.

33 (b) Notwithstanding the provisions of section 6 of this act, on and  
34 after January 1, 2003, no person shall offer for sale or distribute for  
35 promotional purposes mercury fever thermometers except by  
36 prescription written by a physician. A manufacturer of mercury fever  
37 thermometers shall provide the buyer or the recipient with notice of  
38 mercury content, instructions on proper disposal and instructions that  
39 clearly describe how to carefully handle the thermometer to avoid  
40 breakage and on proper cleanup should a breakage occur.

41 (c) Notwithstanding the provisions of section 6 of this act, on and  
42 after July 1, 2003, no person shall offer for sale or distribute for  
43 promotional purposes mercury dairy manometers. A manufacturer  
44 that produces or sells mercury dairy manometers shall notify retailers  
45 about the provisions of this subsection and how to dispose of the

46 remaining inventory properly in accordance with title 22a of the  
47 general statutes. The Commissioner of Environmental Protection, in  
48 consultation with the Commissioner of Agriculture, shall examine the  
49 feasibility of implementing a collection and replacement program for  
50 dairy manometers, and shall implement such a program within  
51 available appropriations.

52 (d) On and after July 1, 2003, no vocational dental education or  
53 training school shall use mercury amalgam unless such school has  
54 developed and implemented a plan approved by the commissioner  
55 that assures best management practices are used to prevent discharge  
56 of mercury into the waters of the state, any pollution abatement facility  
57 or subsurface sewage disposal system, and to properly handle and  
58 recycle or dispose of waste elemental mercury and amalgam. Such  
59 plan shall provide for an education program for students regarding the  
60 hazards of mercury and best management practices."

61 Strike subsection (a) of section 6 and insert the following in lieu  
62 thereof:

63 "(a) Except as provided in section 7 of this act, and except for  
64 specialized lighting used in the entertainment industry such as metal  
65 halide lights, no person shall offer for sale or distribute for  
66 promotional purposes any mercury-added product if: (1) After July 1,  
67 2004, the mercury content of the product exceeds one gram in the case  
68 of fabricated mercury-added products or two hundred fifty parts per  
69 million in the case of formulated mercury-added products; and (2) on  
70 and after July 1, 2006, the mercury content of the product exceeds one  
71 hundred milligrams in the case of fabricated mercury-added products  
72 or fifty parts per million in the case of formulated mercury-added  
73 products."

74 Strike subsection (c) of section 7 and insert the following in lieu  
75 thereof:

76 "(c) The manufacturer shall apply for a modified or conditional  
77 exemption (1) not later than one year before the effective date of the

78 limit for which the exemption is being requested in the case of an  
79 existing product or category of products, or (2) prior to the sale or  
80 distribution in the case of promotional purposes of a new product or  
81 category of products."

82 Strike subsection (f) of section 7 and insert the following in lieu  
83 thereof:

84 "(f) Prior to issuing a modified or conditional exemption, the  
85 commissioner shall consult with the clearinghouse, states, Canadian  
86 provinces and regional governmental organizations to promote  
87 consistency in the implementation of this section."

88 Strike subsection (a) of section 8 and insert the following in lieu  
89 thereof:

90 "(a) Except as provided in subsection (g) of this section, on and after  
91 July 1, 2004, no person shall offer for sale or distribute for promotional  
92 purposes any mercury-added product unless both the product and  
93 either its packaging or care and use manual are labeled in accordance  
94 with this section, any regulations adopted under this section or the  
95 terms of any approved alternative labeling or notification granted  
96 under subsection (h) of this section. A retailer shall not be found in  
97 violation of this subsection if the retailer lacked knowledge that the  
98 product contained mercury."

99 Strike subsection (e) of section 8 and insert the following in lieu  
100 thereof:

101 "(e) On and after July 1, 2004, any person offering a mercury-added  
102 product for sale through a catalog, or distributing such product for  
103 promotional purposes shall clearly advise in writing the purchaser or  
104 recipient prior to the time of sale or distribution that the product  
105 contains mercury. On and after July 1, 2004, any person offering a  
106 mercury-added product for sale by telephone shall clearly advise the  
107 purchaser or recipient prior to the time of sale that the product  
108 contains mercury. Such requirements shall apply to such transactions

109 in which the purchaser or recipient is unable to view the labels on the  
110 package or the product prior to purchase or receipt."

111 Strike subsection (h) of section 8 and insert the following in lieu  
112 thereof:

113 "(h) (1) A manufacturer may apply to the commissioner and the  
114 regional, multi-state clearinghouse described in section 3 of this act for  
115 an alternative to the requirements of subsections (a) to (g), inclusive, of  
116 this section if: (A) Compliance with the requirements is not feasible; (B)  
117 the proposed alternative would be at least as effective in providing  
118 presale notification of mercury content and in providing instructions  
119 on proper disposal; or (C) federal law preempts state authority over  
120 labeling.

121 (2) The commissioner may approve, deny, modify or condition a  
122 request for an alternative to the requirements of subsections (a) to (g),  
123 inclusive, of this section. An approval shall be for a period of no more  
124 than two years and may, upon continued eligibility under the criteria  
125 of this section and compliance with the conditions of its prior  
126 approval, be renewed. Requests for renewals shall be submitted ninety  
127 days before the expiration of the approval. Prior to approving an  
128 alternative, the commissioner shall consult with states, Canadian  
129 provinces and regional government organizations to insure that the  
130 commissioner's labeling requirements are consistent with those of  
131 other jurisdictions in the region. The commissioner may revoke an  
132 approval for cause."

133 Strike subsection (a) of section 9 and insert the following in lieu  
134 thereof:

135 "(a) On and after July 1, 2003, no person shall offer any mercury-  
136 added product for sale or distribute any such product for promotional  
137 purposes unless the manufacturer either on its own or in concert with  
138 other persons has submitted a plan to the commissioner for a system  
139 that reasonably enables the collection of such products. If a mercury-  
140 added product is a component of another product, the collection

141 system shall provide for removal and collection of the mercury-added  
142 component or collection of both the mercury-added component and  
143 the product containing it."

144 Strike section 10 and insert the following in lieu thereof:

145 "Sec. 10. (NEW) (*Effective July 1, 2002*) Except as provided in section  
146 11 of this act, no person shall offer for sale or distribute for  
147 promotional purposes or provide elemental mercury without  
148 providing a Material Safety Data Sheet, as defined in 42 USC 11049. On  
149 and after July 1, 2003, the seller, distributor or provider shall require  
150 the purchaser or recipient at the time of receipt of any elemental  
151 mercury to sign a statement that the purchaser or recipient (1) will use  
152 the mercury only for medical, research or manufacturing purposes; (2)  
153 understands that mercury is toxic and that the purchaser will store, use  
154 and otherwise handle exposure to such mercury in accordance with  
155 state and federal law; and (3) will dispose of the elemental mercury in  
156 accordance with state and federal law."

157 Strike section 11 and insert the following in lieu thereof:

158 "Sec. 11. (NEW) (*Effective July 1, 2002*) No person shall offer for sale,  
159 distribute for promotional purposes or provide elemental mercury to a  
160 dental practitioner without providing a Material Safety Data Sheet, as  
161 defined in 42 USC 11049. On and after July 1, 2003, such dental  
162 practitioner shall (1) use the mercury only for dental purposes; (2)  
163 store, use and otherwise handle exposure to such mercury in  
164 accordance with the accepted guidelines of the American Dental  
165 Association, state and federal law and any applicable best  
166 management practices adopted by the state; and (3) dispose of the  
167 elemental mercury in accordance with state and federal law."

168 Strike subsection (b) of section 13 and insert the following in lieu  
169 thereof:

170 "(b) The commissioner may cooperate with other states and  
171 Canadian provinces and regional organizations in developing public

172 education, outreach and assistance programs."